



Homeland
Security

August 9, 2019

SENT VIA EMAIL TO: 42111-20481646@requests.muckrock.com

Joseph Uchill
MuckRock
DEPT MR 42111
411A Highland Ave
Somerville, MA 02144

Re: **2017-HQFO-01247**

Dear Mr. Uchill:

This is the electronic final response to your August 17, 2017, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS) for the report and draft reports responding to this section of the May 11 executive order "STRENGTHENING THE CYBERSECURITY OF FEDERAL NETWORKS AND CRITICAL INFRASTRUCTURE" "As a highly connected nation, the United States is especially dependent on a globally secure and resilient internet and must work with allies and other partners toward maintaining the policy set forth in this section. Within 45 days of the date of this order, the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the Secretary of Commerce, and the Secretary of Homeland Security, in coordination with the Attorney General and the Director of the Federal Bureau of Investigation, shall submit reports to the President on their international cybersecurity priorities, including those concerning investigation, attribution, cyber threat information sharing, response, capacity building, and cooperation." This office received your request on August 17, 2017.

A search of DHS's Office of Policy (PLCY) for records responsive to your request produced a total of 14 pages that are responsive to your request. After review of those documents, I have determined that those pages are withheld in their entirety pursuant to Title 5 U.S.C. § 552 (b)(5) and (b)(7)(E), FOIA Exemptions 5 and b7(E).

FOIA Exemption 5 protects from disclosure those inter- or intra-agency documents that are normally privileged in the civil discovery context. The three most frequently invoked privileges are the deliberative process privilege, the attorney work-product privilege, and the attorney-client privilege. After carefully reviewing the responsive documents, we determined that portions of the responsive documents qualify for protection under the following privilege(s):

- **Deliberative Process Privilege**

The deliberative process privilege protects the integrity of the deliberative or decision-making processes within the agency by exempting from mandatory disclosure opinions, conclusions, and recommendations included within inter-agency or intra-agency memoranda or letters. The release of this internal information would discourage the expression of candid opinions and inhibit the free and frank exchange of information among agency personnel.

- **Presidential Communications Privilege**

The presidential communications privilege protects confidential communications that relate to potential presidential decision-making, and that involve the President, his senior advisors, or staff working for senior presidential advisors. The privilege protects communications in connection with the President's performance of the responsibilities of his office and made in the process of shaping policies and making decisions. It does so because protecting the frank and candid deliberation of ideas and expression of views is essential to ensure that Executive Branch officials and advisors are able to thoroughly examine issues, formulate opinions, and provide appropriate advice to the President. Accordingly, the privilege applies to documents in their entirety, and covers final and post-decisional materials as well as pre-decisional documents.

FOIA Exemption 7(E) protects records compiled for law enforcement purposes, the release of which would disclose techniques and/or procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law. We determined that disclosure of certain portions of the documents could reasonably be expected to risk circumvention of the law. Additionally, the techniques and procedures at issue are not well known to the public.

You have a right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 90 days of the date of this letter, to: Privacy Office, Attn: FOIA Appeals, U.S. Department of Homeland Security, 245 Murray Lane, SW, Mail Stop 0655, Washington, D.C. 20528-0655, following the procedures outlined in the DHS FOIA regulations at 6 C.F.R. Part 5 § 5.8. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS FOIA regulations are available at www.dhs.gov/foia.

If you need any further assistance or would like to discuss any aspect of your request, please contact the analyst below who processed your request and refer to **2018-HQFO-00470**. You may send an e-mail to foia@hq.dhs.gov, call 202-343-1743 or toll free 1-866-431-0486, or you may contact our FOIA Public Liaison in the same manner. Additionally, you have a right to right to seek dispute resolution services from the Office of Government Information Services (OGIS) which mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to

handle requests made under the Privacy Act of 1974. You may contact OGIS as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

/s/

Eric Neuschaefer
Acting Director, Disclosure